HOUSE DOCKET, NO. 2441 FILED ON: 1/20/2011

HOUSE . . . . . No. 3175

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to public employee disability benefits for certain employees employed by the commonwealth and its political subdivisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John P. Fresolo	*16th Worcester*
Raymond McGrath	*159 Burgin Parkway* *Quincy, MA 02169-4213*

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HOUSE . . . . . No. 3175

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 3175) of John P. Fresolo and Raymond McGrath relative to disability benefits for health care workers, police officers, fire fighters and emergency medical technicians infected with AIDS or the HIV virus. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2413* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to public employee disability benefits for certain employees employed by the commonwealth and its political subdivisions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter thirty-two, is hereby adding the following definitions:-- "First Responder", a health care worker, police officer, fire fighter and emergency medical technician. "Health care worker", shall include, but not be limited to: licensed physician, dentist, registered nurse, licensed practical nurse, physician assistant, psychologist, social worker and other health professional worker; nurses aide, orderly, laboratory technician, emergency medical technician, surgical technician, medical or surgical assistant, dental hygienist, dental assistant, licensed therapist, therapy assistant, psychiatric aide and other health care service provider; housekeeper, janitor, food service aide, transportation aide, security officer and other ancillary personnel.

SECTION 2. Amend Massachusetts General Laws, Chapter 32 -- Civil Service, by adding new sections:-- Section 94C. Disability or death caused by AIDS or HIV infection; first responder in public employ; presumption. Section 94C(1). Notwithstanding the provisions of any general or special law to the contrary, any condition of AIDS or HIV infection resulting in disability or death to a first responder employed by any state, county or local entity shall, if he or she consented to a baseline collection for HIV serologic testing which tests negative for HIV, but

16 subsequent collection tests positive for HIV, be presumed to have been suffered in the course of
17 his or her employment. The provision of this section shall apply only if the disabling or fatal
18 condition is a type which may, in general, result from exposure to known or suspected
19 bloodborne pathogens as determined by the Federal Center for Disease Control (CDC).

20 (2) Nothing herein shall preclude a first responder from applying for and receiving
21 benefits under any other provisions of the General Laws related to work-incurred injuries and
22 diseases. Section 94D. Extension of benefits for first responders suffering from work related
23 infection of AIDS, or HIV. A first responder employed by state, county or local entity who is
24 determined to be infected with AIDS or HIV shall have the right to continue to work as long as
25 his or her attending physician believes there is no danger to the first responder to his or her
26 patient, with no loss in salary, seniority status, grade or benefits, including, but not limited to
27 heath insurance. Nor shall there be any discrimination by the employer against the employee.
28 Section 94E. Supplementary Employer Payments for Certain Workers. When a first responder
29 employed by state, county or local entity has been found to be disabled due to personal injuries,
30 as a result of HIV infection arising out of his employment, as determined in Section 94C(1) of
31 this Chapter, the employer shall supplement any workers compensation established under this
32 chapter by an amount equal to the difference between this amount and the worker's average
33 weekly salary. Section 94F. Special Disability Insurance. Each employer in Massachusetts shall
34 provide a minimum of $100,000 of special disability insurance to any first responder in his
35 employ who is found to be HIV infected from a work-related exposure. All policies regarding the
36 establishment of diagnosis of HIV infection shall follow the Standards on Blood Borne
37 Pathogens of the federal Occupational Safety and Health Administration (OSHA) as published
38 on December 2, 1991.

39 Section 94G. Special life insurance for HIV-infected workers. Each employer of a first
40 responder in Massachusetts found to be infected by HIV as a result of a work-related exposure as
41 determined by the Standard of Blood Borne Pathogens of the federal Occupational Safety and
42 Health Administration shall provide him or her with a life insurance policy equal to twice the
43 worker's most recent annual salary and to include so-called reverse-life provisions when
44 available.